



Memorandum
Congressman Mark Amodei
Nevada's Second Congressional District

TO: Chairman Hal Rogers; House Appropriations Subcommittee on Commerce, Justice & Science
FROM: Mark Amodei
SUBJECT: NASA's Proposed Mineral Withdrawal of Railroad Valley, Nevada
DATE: 3/27/2023

Chairman Rogers:

Please accept this memo as written Member testimony for the Subcommittee on Commerce, Justice, Science and Related Agencies, regarding significant concerns over the manner in which NASA has prepared Draft Environmental Assessment (EA) on the proposed withdrawal of 22,684 acres of Bureau of Land Management (BLM)-managed lands on a dry lakebed, or playa, at Railroad Valley (RRV), located in Nye County, Nevada.

Initially, let me indicate that I have found the communication culture at NASA, as it relates to their Railroad Valley application to be simply awful. Why do I say such a thing? The NEPA process, which applies to the NASA application, contemplates strong notions of transparency and due process. You should know that Nye County, the county where Railroad Valley is located, asked NASA to be allowed to be a "cooperating agency" under NEPA for purposes of evaluating the Railroad Valley withdrawal application. NASA's response, simply no. The local governmental entity with planning and zoning jurisdiction in Railroad Valley was told several times no.

It gets better, committee members. I, as a member of Congress, representing Nevada, and a member of the committee with budget jurisdiction over NASA's budget requested to be a "cooperating agency" under NEPA for purposes of the Railroad Valley withdrawal. Surely you won't be surprised when I tell you that NASA could care less about a request to be a cooperating agency from a member of the House of Representatives. My request was denied by the agency. So, no thanks to the whole county and no thanks to a Nevada member of Congress.

NASA's internal insistence on excluding local recognition reflects disturbing administrative ignorance, as well as a general lack of respect and understanding for land management practices in Nevada. The federal government owns about 85% of all land in Nevada. The agencies that manage this land have historically and consistently shown Nevadans and their elected officials the respect of following the NEPA required mandates. Allowing local officials, who exercise planning and zoning jurisdiction, to have a formal seat at the table as cooperating agencies for proposed federal actions should not be a major fight with a federal agency headquartered thousands of miles away.

In direct response to NASA's continued tone deafness in this matter, the House Appropriations Committee included the following language in the Fiscal Year 2023 Interior, Environment, and Related Agencies Appropriations Report (p. 14):

The Committee urges Federal agencies seeking to withdraw Bureau-managed lands to include the counties of jurisdiction as cooperating agencies pursuant to 40 C.F.R. § 1508.5 in the environmental analysis process and directs the Bureau not to approve such mineral withdrawals without appropriate levels of local government consultation.

It's curious that NASA's request takes the heart out of a significant block of lithium claims in central Nevada, and its proposal request miraculously coincides with an increase in claims exploration for development of lithium in Railroad Valley. This gives the appearance that NASA has unilaterally decided to get into the land management business, without any such authority or expertise to do so. While NASA seeks an exhaustive mineral withdrawal in the area, zero consideration has been given to the fact that no existing mining plans of operations propose to alter the surface of Railroad Valley. To be blunt, the inescapable conclusion is that NASA is trying to extinguish lithium mining potential in Railroad Valley, without regard for the advancements made in lithium mining that would avoid large scale evaporation ponds or significant surface disturbances.

As you prepare the Fiscal Year 2024 appropriations for NASA, I respectfully request that these concerns be given full consideration by you and your subcommittee, and ask that no funds may be used by NASA to carry out or pursue public lands withdrawals in Nye County, Nevada. Further, I request that NASA brief the committee on what they have done to conform to the direction given to all federal agencies in the FY23 Interior Appropriations report, as cited above.